IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2006

CORAM

THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.P.NO.7540 OF 2006
AND
W.P.M.P.NO.8280 OF 2006 AND W.V.M.P.NO.1902 OF 2006

1.A.Jothinathan
2.P.Sakthivel
3.P.Elango
4.P.Sitrarasu
5.V.Mahendiran .. Petitioners

Vs.

1.The State of Tamilnadu represented
by the Secretary to Government,
Commercial Taxes Department,
Fort St. George,
Chennai-600 009.
2.The Commissioner of Commercial Taxes,
Chepauk,
Chennai-600 005.
3.K.Jeyaprakash
4.R.Panneerselvam
5.S.Arulappan
6.N.Srinivasan
7.B.Srinivasan
8.R.Sivaramalingam
9.M.Gomathy
10.S.Lalitha
11.K.Ramji
12.L.Mannuraj
13.P.Kumaraguru
(R3 to R13 impleaded as per
order of court, dated 11.9.06
made in WPMP.17745/06) .. Respondents

WEB COPY

This writ petition has been preferred under Article 226 of the Constitution of India praying for the issue of a writ of mandamus directing the respondents to prepare panels for promotion to the post of Commercial Tax Officers in accordance with rule 4(a) of the General Rules for Tamilnadu State and Subordinate Services after finalising the seniority lists of Deputy Commercial Tax Officers in pursuance of the orders passed in W.P.No.26121 of 2004, dated 20.1.2005.

https://hcservices.ecourts.gov.in/hcservices/

For Petitioners : Mr.S.Ravi

For Respondents : Mr.P.S.Raman, Addl. Advocate General
for RR1 and 2
assisted by Mr.M.Dhandapani, AGP
Mr.G.Muthukrishnan for RR3-13

- - - -

ORDER

Heard Mr.S.Ravi, the learned counsel appearing for the petitioners, Mr.P.S.Raman, the Additional Advocate General for respondents 1 and 2 and Mr.G.Muthukrishnan, the learned counsel appearing for respondents 3 to 13, who were the promotees subsequently impleaded.

2.As correctly pointed out by the learned Additional Advocate General and as it is also seen in the counter affidavit filed on behalf of the respondents 1 and 2, the writ petitioners were appointed in the year 1990 as the Assistant Commercial Tax Officers; that from the year 1982 onwards, no seniority list has been prepared in respect of departmental promotees. In view of the same, the first and second respondents should be directed to consider the claim of both departmental promotees as well as direct recruitment candidates like that of the petitioners. The learned Additional Advocate General would also submit that as per the judgment of the Honourable Apex court in Civil Appeal No.1454 of 1987, the guidelines have been fixed and the Government has to consider the said guidelines in its proper perspective for the purpose of fixing the final seniority list. However, according to the learned Additional Advocate General, by virtue of the interim order granted by this Court, nearly 204 vacancies for the posts of Commercial Tax Officers which are vacant and the Government is unable to fill up the said vacancies, while the fact remains that there are 354 sanctioned posts for Commercial Tax Officers in existence. This causes concern to the Revenue.

3.The learned Additional Advocate General would fairly submit that the Government is always ready to prepare the panels for promotion to the posts of the Commercial Tax Officers, after finalising the list of Deputy Commercial Tax Officers as per the order of this Court, but it requires time. In view of the same, the first respondent Government is directed to finalise the final seniority list to the posts of the Deputy Commercial Tax Officers within a period of six months from the date of receipt of copy of this order in accordance with the judgment rendered by the Honourable Apex Court, apart from the Rules, governing the said appointments and promotion. It is also made clear that in the meantime, it is open to the first and second respondents to fill up the vacancies on tentative basis, which shall be subject to the

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

final list prepared as directed above. The writ petition is disposed of in the above terms. There shall be no order as to the costs. Consequently, connection miscellaneous petitions are closed.
vvk

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government,
The State of Tamilnadu
Commercial Taxes Department,
Fort St. George,
Chennai-600 009.

2.The Commissioner of Commercial Taxes,
Chepauk,
Chennai-600 005.

+ one cc to the Government Pleader sr no. 56893
+ one cc to the Special Government Pleader(T) sr no. 56885
+ one cc to Mr. G. Muthukrishnan, Advocate sr no. 56765
+2ccs to Mr. S. Ravi, Advocate sr no. 56735

RA(CO)
NM(28.11.2006)

W.P.NO.7540 OF 2006

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/